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Nick J. Pudar

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General Motors Corporation
c/o REISING, ETHINGTON, BARNES, KISSELLE, P.C.
P.O. BOX 4390
TROY, MI 48099-4390

EXAMINER

JANVIER, JEAN D

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 09/870,377	Applicant(s) PUDAR, NICK J.	
	Examiner JEAN JANVIER	Art Unit 3688	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 26-42 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 26-42 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

Response to Applicant's Arguments

First of all, because the Board did not enter the same new ground of rejection for claims 26-41, the Applicant has herein concluded that “clearly implicit in this action (Board Decision) is the unavoidable conclusion that the Board determined that claims 26-41 were not rendered obvious by the combination of Dimitriadis and Hite”. It is clearly improper, continues the Applicant, to now take action directly contrary to the Board determination. In response, although the Board did not enter the same new ground of rejection for claims 26-41, however, the Board never concluded, contrary to the Applicant's findings, that Dimitriadis cannot be combined with Hite to render the claims obvious. Such combination was never expressly and completely eliminated or ruled out by the Board. Because the Board did not expressly enter the same new ground of rejection for claims 26-41 does not necessarily mean that the Board implied that the references cannot be combined. Here, the Board agreed with the Appellants (Reply Br. 4-5) that Dimitriadis' Fig. 2 appears to be consistent with a system, which sends the stored advertising content to the amplifier independently of the voice signal and thus, the 102(b) rejection was improper. The Board also mentioned that the Appellants have not shown that the Examiner erred in rejecting dependent claims 27-41 under section 102(b) (See Page 10 of the Board Decision). Having said that, contrary to the Applicant's findings, the Board did not conclude that Hite cannot be combined with Dimitriadis to render 26 (the true point of contention here) obvious. Both the Examiner and his SPE had reached the above conclusion at the time the present Action was issued. Thus, the present rejection is not contrary to the Board Decision, which simply stated that claim 26 was anticipated by Dimitriadis. In short, the Examiner stands ready to withdraw the

Art Unit: 3688

present Action if the Applicant can clearly point out where the Board expressly stated that Dimitriadis cannot be combined with Hite to render the claim 26 obvious.

Moreover, regarding dependent claim 42 (which depends upon independent claim 26), the Board simply dismissed the rejection because Dimitriadis does not anticipate claim 26 as seen above (See page 13 of the Board Decision). Hence, addressing the noted deficiency in Dimitriadis or changing the ground of rejection for claim 26 takes care of claim 42, whose rejection was reversed because the rejection of independent claim 26 was dismissed by the BPAI Decision.

Second of all, the Applicant argues, in the invention of claim 26, **the audio content sent to the vehicle radio includes the received radio broadcast together with the inserted advertisement**, whereas in Dimitriadis' system as shown in Fig. 2, the advertising is sent to the speaker amplifier 68 independently of the received voice broadcast. Contrary to the Appellant's findings, claim 26 never recites that **the audio content sent to the vehicle radio includes the received radio broadcast together with the inserted advertisement**. In fact, claim 26 recites two (independent) broadcast streams, namely a first broadcast stream sent to the vehicle receiver (at time t1) and containing advertisements that are stored in the receiver memory for later retrieval and play (display) and a second (separate) broadcast stream transmitted to the receiver (at time t2) including an audio content having intermittent advertising slots each identified by a marker and the system (receiver) is configured to retrieve from memory one or more advertisements that are to be displayed in the advertising slots as identified by the markers. Here, Dimitriadis teaches all the claim limitations, except **the** second radio broadcast stream including

Art Unit: 3688

an audio content containing intermittent slots (i.e. breaks in conventional audiovisual broadcast or radio/TV programming) each identified by a marker (i.e. index value or CID) inserted in the audio content and presenting a stored advertisement accordingly. Further, as seen in the Office Action, Hite teaches all the claim limitations, except the vehicle per se. Thus, combining Hite with Dimitriadis will indeed render claim 26 obvious, as one of ordinary skills in the art would have concluded at the time of the invention.

Therefore, the Applicant's request for allowance or withdrawal of the last Office Action has been fully considered and respectfully denied in view of the foregoing response since the Applicant's arguments as herein presented are not convincing and thus, the last Office Action, as shown below, is hereby maintained and the current **Office Action has been made Final**.

DETAILED ACTION

Specification

Status of the claims

Claims 26-42 are still currently pending in the Instant Application.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be

Art Unit: 3688

patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims **26-42** are rejected under 35 USC 103(a) as being unpatentable over Dimitriadis, US Patent 5, 664, 948 in view of Hite, US Patent 5,774,170A.

As per claim 26, Dimitriadis discloses a system, wherein an advertising information is pre-loaded into a collection of remote receiving and presentation devices (40) (radios installed in vehicles). A presentation command (presentation condition or selection criteria) is broadcast over a radio broadcast 20 to a device (40) that causes presentation, in audio or text format, of at least one of the advertisements stored in the memory of the device (40) **originally received from a first broadcast stream** (monitoring a radio broadcast stream for transmitting presentation condition data or referenced index for a stored advertisement to device 40, which triggers the presentation of the at stored advertisement). Each stored advertisement is also associated with one or more presentation conditions (play conditions) causing, when detected for example in a radio broadcast (stream **or content**) transmitted to a device 40 (or a group of devices 40), automatic presentation or play via the device 40 speaker or display through its screen of the corresponding advertisement matching the presentation conditions present in the radio broadcast stream. Such presentation conditions include proximity to a given location (detecting the presence of the vehicle 10 having installed therein device 40 in a geographical area of interest), scheduled periodic presentation, time of day presentation, and a variety of other conditions detectable at the remote presentation device 40 (including detecting the presence of a command

Art Unit: 3688

in a radio broadcast transmitted to the device 40). Further, the advertising presentation system requires a single broadcast signal transmission of a given advertisement from radio broadcast 20 (radio facility) for permanent storage in the memory of the device 40, but provides multiple presentations or plays of the advertisement at the presenting devices 40. Here, the advertiser enjoys efficient use of broadcast signal transmission time (See abstract; **col. 2: 9-67**).

In general, Dimitriadis teaches an advertising system comprising a radio broadcast or signal transmission facility providing voice and data broadcast signals 22 and 26 respectively (advertisements or messages) and a plurality of remote receiving devices 40 (vehicle radio systems) collecting said voice and data signal broadcasts 22 and 26 respectively, each of said receiving devices 40 storing **selected** ones of said voice and data broadcasts 22 and 26 as stored advertisements therein in association with index values (or secondary selection data) (wherein the selected advertisements are chosen for storage according to certain criteria, such as geographical areas of interest to a specific device 40, **and wherein each advertisement has an associated index value**) whereby subsequent transmission within at least one of said voice and data broadcasts (in-line advertisements) references said index values, which indicate which stored advertisements should be retrieved from the memory of device 40 and played or outputted thereat, and causes said remote receiving device 40 to retrieve therefrom and present or play one or more corresponding stored advertisements when there is a match between an index value transmitted within an incoming (voice) radio broadcast and an index value related to a stored advertisement (transmitting a radio broadcast stream with a reference to an index value to a device 40 and if there is a match between the transmitted reference index value in the broadcast and an index value stored in the memory of the device 40 in conjunction

Art Unit: 3688

with an advertisement, then the system is operable to retrieve therefrom and play or present the corresponding stored advertisement).

Each of said remote receiving devices 40 stores a plurality of advertisements received a first broadcast stream, each associated with an index value, uniquely identifying each advertisement, whereby said broadcast facility triggers presentation play of a selected stored advertisement at a selected remote receiving device 40 by broadcasting a command to the selected receiving device 40 in conjunction with a selected index value. Further, each stored advertisement is associated with a condition for presentation, include at least one of a schedule of presentation, proximity to a designated location, **and time of day (primary and secondary selection data)**, and each remote receiving device 40 monitors current conditions, compares current conditions to said conditions for advertisement presentation, and presents a stored advertisement upon finding a match between a current condition and a condition for presentation. In short, the present system relates generally to vehicle information and particularly to vehicle information collection and presentation (See claims 1-5; col. 2: 3-29).

In summary, Dimitriadis teaches an advertising system comprising a radio signal transmission facility providing voice and data broadcast signals (first radio broadcast stream) and a plurality of remote receiving devices 40 collecting, via coupled antenna 42 of figs. 1 and 2, said voice and data signal broadcasts, each of said receiving devices storing selected portions of at least one of said voice and data broadcasts as stored advertisements in the memory of devices or receivers 40 in association with index values (CID type) whereby subsequent transmission within at least one of said voice and data broadcasts (second radio broadcast stream) references or incorporates index values, which causes at

Art Unit: 3688

least one remote receiving device 40 to retrieve therefrom and present/play or output thereat a corresponding stored advertisement when there is a match between the incoming index value inserted into a second incoming radio broadcast stream (voice content) and an index value related to a stored advertisement (See claims 1-3 of the current reference).

See in general col. 2: 62 to col. 9: 44.

As per claim 26, Dimitriadis does not expressly disclose providing the second one of the radio broadcast streams or the second radio broadcast stream that includes an audio content containing intermittent slots (i.e. breaks in conventional audiovisual broadcast or radio/TV programming) each identified by a marker (i.e. index value or CID) inserted in the broadcast stream and presenting a stored advertisement accordingly.

However, Hite discloses, in a first preferred embodiment of his present system and process, an individually addressable digital recording device (RD) or subscriber's receiver with a unique address is installed at the display site in a television or radio receiver, VCR, display device or set-top-box or modular decoder associated with the media provider (cable, DBS, telephone, etc.). One or more commercial identifier (CID) codes (index values) are transmitted to and recorded by the RD (local memory or cache) of the subscriber's site or viewer's unit in advance of a commercial broadcast (advertisement transmission). These codes will be used to "tell" the home display or viewer's unit which upcoming commercials/advertisements or (advertising objects) to store for subsequent play or display at the subscriber's site and which

Art Unit: 3688

advertisements to ignore or discard (because they are incompatible) (Col. 5: 40-50; col. 6: 10-59).

In a second preferred embodiment of the present system and process, an individually addressable digital recording device (RD) or memory with a unique address (location address) is installed at the display site (subscriber site) in the television receiver, VCR, display device set-top-box or modular decoder associated with the video provider (cable, DBS, telephone, etc.). CID codes (local conditions) chosen for a particular display site (consumer site) are transmitted to and stored in an in-home storage at the display site (storing local conditions in the memory at the subscriber site). Commercials (advertisement objects) are subsequently transmitted to the in-home storage device with sufficient capacity to hold or store one or more commercials (advertisement objects), coupled to related image objects or image links, graphics or video, prior to display (transmitting and receiving advertisements at the subscriber site to be recorded in the memory or storage means for later retrieval and display based on some preset criteria or local conditions).

The commercials/advertisements (advertisement objects) could be in analog form, but it is more efficient of transmission and storage capacity to digitize and compress the commercials prior to transmission and storage at the subscriber site. Attached to each commercial are (CID) codes indicating the conditions and rules (local conditions), e.g., date, day-part, network, program context, etc. required to display the commercial(s),

The codes (data elements) of the commercials transmitted to or received at the subscriber site are first compared to the codes previously stored in local memory or storage means (RD) at

Art Unit: 3688

the subscriber site. The commercial or advertisement transmitted to the subscriber site or display unit that is found to match a previous CID code in the local memory is then stored in the storage means (local memory) RD at the display site (subscriber) for subsequent retrieval and display. If there is no match, then the incoming commercials or advertisements (advertising objects) will be ignored or discarded for being incompatible or not suitable for the local site or subscriber site/display unit. Note that the CIDs (CID codes) and display rules would be stored in a storage known as an Ad Queue in the commercial processor (local memory) at the display unit or subscriber site. See col. 6: 60 to col. 7: 14; col. 7: 15-50.

Commercial time or spots when addressable ads (advertisement objects) can be displayed will have unique identifier codes (CIDs). These codes will be part of the conditions required for displaying the addressable spots. These eligibility codes could be applied, i.e., transmitted by the network or locally available in local-avail spots. The program delivery system would broadcast, within a programming, a default-commercial in the spot eligible for the locally stored addressable ad. This spot would air in a home or display that was not targeted for an addressable ad in that time period. The commercial processor CP in the home (subscriber's receiver) would look for the CID in each Incoming (default) commercial at a break during a broadcast program. If there was a CID at a break, then the processor would apply the display rules for the addressable ads locally stored in the subscriber's receiver. If there was an ad to display, then the CP would substitute the locally stored addressed ad for the ad in the broadcast and eliminate or discard it from the ad queue as necessary (COL. 7: 16-30).

Here, predetermined codes are transmitted to the display site and stored therein; commercials are then sequentially transmitted to the display site prior to the time of their

Art Unit: 3688

intended use. Appropriate storage is provided at the display site to store one or more of the commercials selected by matching the commercial's CID with that CID determined as appropriate for the display site. The broadcast with a break for a target commercial may then be transmitted with codes in the break. If a match is found and only one commercial is stored, it may be displayed one or more times, depending on whether a frequency code is included. If a registration or certification code is included, that code is returned upstream to the signal origination site when commercials successfully play. The commercial will then be replaced with another (update). If storage for multiple commercials is provided, they are downloaded and used appropriately (col. 7: 35-51).

In general, processed commercials are conveyed by electrical and/or optical connection 108 to a Recording Device 110 of fig. 2 for later retrieval and playback at a suitable time in the Processed Commercials Playback Device 146 of fig. 2. Such recording and playback devices for analog or digital video and/or audio segments are well known in the industry (col. 10: 11-16).

See col. 9: 43 to col. 10: 32.

In summary, in the second preferred embodiment, predetermined codes (CID codes or index values) are transmitted to the display site/subscriber site or receiver and stored therein. Thereafter, commercials or advertisements (advertising objects) are sequentially transmitted to the display site prior to the time of their intended use or display.

Appropriate storage is provided at the display site to store one or more of the commercials selected by matching a commercial's CID with a locally stored CID. Through this process, a first group of advertisements can be generated and stored locally for later retrieval and display. Further, a broadcast with a break for a target commercial (advertising slot) may

Art Unit: 3688

be transmitted with codes in the break, which triggers the retrieval and display of the stored or the first group of advertisements based on a CID match between a break CID or code and a stored commercial/advertisement CID or code. For instance, if a match is found, between a code in the break and a stored commercial code or only one related commercial is stored, then the commercial is displayed one or more times, depending on whether a frequency code is included. If a registration or certification code is included, then that code is returned upstream to the signal origination site or transmission site when commercials are successfully played. The commercial will then be replaced with another. If storage for multiple commercials is provided, they are downloaded and used appropriately (Col. 7: 35-50; col. 9: 16-20; col. 4: 46-51).

Therefore, an ordinary skilled artisan would have been motivated at the time of the invention to incorporate the teachings of Hite into the system of Dimitriadis so as to store in the memory of remote devices or receivers 40 , along with advertising data, a plurality of CID codes or index values related to a plurality of stored advertisements received during first broadcast streams and to transmit to at least one receiver 40 a second or subsequent voice broadcast stream (22) having at least a break or advertising slot, indicative of an advertising opportunity, and at least one corresponding CID or index value (marker) inserted therein, wherein one stored advertisement is retrieved and played or outputted thereat when a break occurs in the incoming second voice broadcast and the index value or the CID embedded in the break spot matches an index value/CID or marker related to the retrieved advertisement and based on other presentation commands such as the vehicle 10 current geographic location proximate a local advertiser, thereby taking advantage of conventional breaks that often occur in (voice) radio broadcast

Art Unit: 3688

streams to present targeted advertisements to mobile users of devices or receivers 40 as they travel in vehicle 10, coupled to receivers 40, along a geographic location of interest, while enabling advertisers to have their messages embedded in voice broadcast streams during intermittent breaks, inserted therein, and presented to users of receivers 40 and the system owner to increase his economic bottom line by charging the advertisers for presenting their messages to the operators of vehicle 10.

As per claim 42, Dimitriadis does not expressly disclose transmitting by a vehicle communication device data confirming the playing (playback) of the advertisement, retrieved from the memory of the vehicle radio system, and receiving by a central facility the transmitted data (uploading the activity log or transaction data associated with each displayed advertisement to the Central Facility or broadcast system 20) (i.e. a vehicle communication device operable to transmit identification data received from the first radio broadcast stream that uniquely identifies the accessed or played radio advertisement).

However, Hite discloses a system and method for delivering targeted advertisements to specific consumers, in a cable TV environment, based on the specific customers' desires, needs, interest, wants or psychographic profile or preferences. In one embodiment, a set top box or delivery mechanism associated with a cable company and located at a customer's site receives a tagged content or TV program with a tagged advertisement (advertisement having a unique CID) from a content provider or Media Origination Facility 300 of fig. 1 wherein the set top box first displays the TV program along with the flagged or tagged advertisement or advertisement having

Art Unit: 3688

a unique CID code (commercial ID) if the CID code corresponding to the embedded advertisement matches a CID code pre-recorded or stored in the set top box memory and wherein the stored CID represents the customer's psychographic profile or preference. And if there is a CID code match, then the set top box causes the said advertisement to be displayed on the customer's TV screen during a commercial break in the TV program as originally scheduled (figs. 1-2; col. 3: 65 to col. 4: 11; col. 4: 33-39; col. 5: 39-67; col. 8: 64 to col. 9: 42; col. 13: 47-53). In one embodiment, a memory device RD, associated with the home display unit, pre-records the advertising information along with the related CID codes and the system is operable to retrieve therefrom and display an advertisement during a commercial break in a transmitted programming or broadcast when a CID in the transmission matches a CID stored in the RD device (col. 6: 60 to col. 7:34).

It is further to be understood that additional codes, such as a **frequency** indicator code representing the number of times an advertisement is to be successfully displayed, are appended to the CID code (representing a customer and/or a commercial) for enhancing the system. The frequency indicator code, stored locally on the set top box memory at the customer's site, is appended to a commercial's CID code wherein the content (counter) of the frequency indicator code decrements for each successful display of the associated commercial or advertisement and when the frequency indicator code reaches zero, the advertisement will no longer be displayed by the set top box. In other words, the number of times a particular advertisement should be displayed to the user or the frequency of viewing (frequency code) by the viewer a particular advertisement is appended to the CID code, representing the viewer's or user's psychographic

Art Unit: 3688

profile or preference information, stored in the permanent memory (preference information storage) of the set-top box or display device (content delivery mechanism).

Furthermore, a registration code could be added to the CID code and stored at the point of display. When such a commercial is successfully displayed, the registration code is communicated back upstream to the signal origination site. A time and date stamp is added.

Two levels of registration are possible. In the simpler level of registration, a count is accumulated at the origination point or some other suitable place indicating the total number of commercials successfully displayed at all locations. Viewer identities are not tabulated. In the second level of registration, a viewer identification number is included in the acknowledgment messages centrally collected. A certification code could also be added to the CID code and stored at the point of display. When such a commercial is successfully displayed, the certification code is communicated back upstream to the signal origination site. A time and date stamp is added. In the case of certification, the viewer responds to the advertisement. This response could be to answer a question, to merely make an acknowledgment, or to request a coupon or other item of value. This indicates that not only has the commercial been successfully displayed, but it has also been viewed, recognized, and acted upon.

Additionally, there are several options for the upstream transmission of registration or certification codes. This code could be transmitted upstream at the time the commercial was successfully received. Alternatively, the fact that it was received could be stored at the receive site and relayed to the signal origination site upon request or at a pre-programmed more convenient time. Several options for upstream communication exist. These include two-way

Art Unit: 3688

cable systems, **radio transmissions**, telephonic communication, or the physical conveyance of a printed report, a magnetic, optical, electronic or other recorded report.

In summary, with the present system, television (and/or radio) and advertising are enhanced by targeting, delivering and displaying electronic advertising messages (commercials) within specified programming in one or more pre-determined households (or on specific display devices) while simultaneously preventing a commercial from being displayed in other households or on other displays for which it is not intended. Commercials can be delivered to specified homes or displays via either over-the-air broadcast or wired delivery systems.

Therefore, an ordinary skilled artisan would have been motivated at the time of the invention to incorporate the teachings of Hite into the system of Dimitriadis so as to store a frequency code register (counter) capable of counting the number of times a filtered or matched advertisement is successfully displayed and a certification code indicative of the successful display of an advertisement along with the user's preference information (profile), advertising selection or presentation criteria and associated index values on the user's vehicle device 40 memory, wherein the content of the frequency code counter increments each time the filtered and matched advertisement is successfully displayed or played to the user until it reaches a preset value and wherein the certification code is communicated from the vehicle radio communication system upstream or upward to the Central Facility for further processing and marketing analysis, thereby using by the Central Facility the transaction data, read from the transmitted registration code, frequency code and certification code, associated with the displayed or played advertisement not only to prepare accurate billing statements for the participating

Art Unit: 3688

advertiser of the displayed advertisement and to schedule further delivery of advertisements to the mobile unit or device 40, but also to further target the user of the mobile unit or mobile vehicle 10 by filtering incoming broadcasts or advertisements in accordance with the user or operator of the mobile vehicle 10 designated criteria and the user's exposure to advertisements recorded in the memory of the vehicle device 40 or displayed or played advertisements to automatically select and store without the user's input specific advertisements or broadcast data 26 transmitted over the radio broadcast system 20 in the memory or customized database of the information device 40 of the mobile unit or mobile vehicle 10, while measuring the effectiveness of the system.

As per claims 27-41, Dimitriadis discloses a system, wherein an advertising information is pre-loaded into a collection of remote receiving and presentation devices (40) (radios installed in vehicles). A presentation command (presentation condition or selection criteria) is broadcast over a radio broadcast 20 to a device (40) that causes presentation, in audio or text format, of at least one of the advertisements stored in the memory of the device (40) **originally received from a first broadcast stream** (monitoring a radio broadcast stream for transmitting presentation condition data or referenced index for a stored advertisement to device 40, which triggers the presentation of the at stored advertisement). Each stored advertisement is also associated with one or more presentation conditions (play conditions) causing, when detected for example in a radio broadcast (stream **or content**) transmitted to a device 40 (or a group of devices 40), automatic presentation or play via the device 40 speaker or display through its screen of the corresponding advertisement matching the presentation conditions present in the radio broadcast

Art Unit: 3688

stream. Such presentation conditions include proximity to a given location (detecting the presence of the vehicle 10 having installed therein device 40 in a geographical area of interest), scheduled periodic presentation, time of day presentation, and a variety of other conditions detectable at the remote presentation device 40 (including detecting the presence of a command in a radio broadcast transmitted to the device 40). Further, the advertising presentation system requires a single broadcast signal transmission of a given advertisement from radio broadcast 20 (radio facility) for permanent storage in the memory of the device 40, but provides multiple presentations or plays of the advertisement at the presenting devices 40. Here, the advertiser enjoys efficient use of broadcast signal transmission time (See abstract; **col. 2: 9-67**).

In general, Dimitriadis teaches an advertising system comprising a radio broadcast or signal transmission facility providing voice and data broadcast signals 22 and 26 respectively (advertisements or messages) and a plurality of remote receiving devices 40 (vehicle radio systems) collecting said voice and data signal broadcasts 22 and 26 respectively, each of said receiving devices 40 storing **selected** ones of said voice and data broadcasts 22 and 26 as stored advertisements therein in association with index values (or secondary selection data) (wherein the selected advertisements are chosen for storage according to certain criteria, such as geographical areas of interest to a specific device 40, **and wherein each advertisement has an associated index value**) whereby subsequent transmission within at least one of said voice and data broadcasts (in-line advertisements) references said index values, which indicate which stored advertisements should be retrieved from the memory of device 40 and played or outputted thereat, and causes said remote receiving device 40 to retrieve therefrom and present or play one or more corresponding stored advertisements when there is a match

Art Unit: 3688

between an index value transmitted within an incoming (voice) radio broadcast and an index value related to a stored advertisement (transmitting a radio broadcast stream with a reference to an index value to a device 40 and if there is a match between the transmitted reference index value in the broadcast and an index value stored in the memory of the device 40 in conjunction with an advertisement, then the system is operable to retrieve therefrom and play or present the corresponding stored advertisement).

Each of said remote receiving devices 40 stores a plurality of advertisements received a first broadcast stream, each associated with an index value, uniquely identifying each advertisement, whereby said broadcast facility triggers presentation play of a selected stored advertisement at a selected remote receiving device 40 by broadcasting a command to the selected receiving device 40 in conjunction with a selected index value. Further, each stored advertisement is associated with a condition for presentation, include at least one of a schedule of presentation, proximity to a designated location, **and time of day (primary and secondary selection data)**, and each remote receiving device 40 monitors current conditions, compares current conditions to said conditions for advertisement presentation, and presents a stored advertisement upon finding a match between a current condition and a condition for presentation. In short, the present system relates generally to vehicle information and particularly to vehicle information collection and presentation (See claims 1-5; col. 2: 3-29).

In another embodiment, Dimitriadis teaches a paging system that supports group addressing whereby a single paging data packet transmission or broadcast may be addressed to groups of receiving devices 40 (to listeners of devices 40). Accordingly, advertising presentation may be accomplished relative to listeners defined as groups. For example, by developing a

Art Unit: 3688

profile for the users of each device 40, e.g., age, class of neighborhood (demographics), typical products purchased (purchase history) and the like, as is typically done in advertising strategies, the advertiser defines groups of listeners. By loading into receiving devices 40 advertisements tailored to group needs (interests), the advertiser targets specific audiences with specific advertising messages. Moreover, one advertisement may be loaded into one group of receiving devices 40 while a second advertisement is loaded into a second group of receiving devices 40. Even though different advertisements are loaded into different receiving devices 40, all such advertisements may be associated with the same index. Accordingly, issuance of the PRESENT command 500c relative to such common index value causes distinct advertisement presentation for different groups of listeners. As may be appreciated, the radio signal transmission time associated with issuing the PRESENT command 500c is quite small as compared to similar advertisement broadcast time required to deliver by conventional means the same advertisement presentation, i.e., broadcast time required to present the advertisement to listeners currently tuned to the broadcast facility. Thus, an improved method and apparatus for message or advertisement presentation has been herein shown and described. Advertisement information is disseminated widely by radio signal broadcast to a population of receiving devices 40. The receiving devices 40 store this advertising information and present such information **multiple times** without requiring repeated radio signal transmission from the facility. In this manner, advertising presentation is made efficient with respect to radio transmission resources, and therefore less costly in regard to the costs associated with transmission of advertisement by radio signal (Col. 9: 45 to col. 10:20).

See in general col. 2: 62 to col. 9: 44.

Art Unit: 3688

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication from the Examiner should be directed to Jean D. Janvier, whose telephone number is (571) 272-6719. The aforementioned can normally be reached Monday-Thursday from 10:00AM to 6:00 PM EST. If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's Supervisor, Mr. Eric W. Stamber, can be reached at (571) 272- 6724.

Non-Official- 571-273-6719

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06/06/09

/J. J./

/Jean Janvier/

Primary Examiner, Art Unit 3688